

**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**Applicant(s): **Klaus-Leo Wilbuer**

Docket No.

SWR-0004

Application No.

09/446,623

Filing Date

March 21, 2000

Examiner

Chambers

Group Art Unit

3641

Invention: **PROCESS FOR PRODUCING A NEUTRON-ABSORBING COATING**RECEIVED  
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I hereby certify that this Second Supplemental Appeal Brief (21) ; Copy of Notice of Non Compliance (4)  
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P18REV02

**TRANSMITTAL LETTER**  
(General - Patent Pending)Docket No.  
SWR-0004In Re Application Of: **KLAUS-LEO WILBUER**Application No.  
09/446,623Filing Date  
March 21, 2000Examiner  
ChambersCustomer No.  
23413Group Art Unit  
3641Confirmation No.  
2649Title: **PROCESS FOR PRODUCING A NEUTRON-ABSORBING COATING**RECEIVED  
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COMMISSIONER FOR PATENTS:

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**Second Supplemental Appeal Brief and Copy of Notice of Non-Compliant Appeal Brief**

In the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 06-1130 as described below.
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**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**Karen A. LeCuyer  
Signature

Dated: November 18, 2005

Karen A. LeCuyer  
Registration No. 51,928  
Phone No. 860-286-2929

via facsimile

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)] on November 18, 2005.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,623	03/21/2000	KLAUS-LEO WILBUER	SVR-0004	2649
23413 7390 10/19/2005 CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002				
EXAMINER				
ART UNIT		PAPER NUMBER		

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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*November 19  
11:00 AM 11/19/05  
Response  
10/24/05*

*1-manx  
Action*

PTO-90C (Rev. 10/03)

**BEST AVAILABLE COPY****Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

08/446,623

Applicant(s)

WILBUER ET AL.

Examiner

Troy Chambers

Art Unit

3641

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

The Appeal Brief filed on 17 August 2004 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

*[Handwritten signature]*  
10/09/05

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### DETAILED ACTION

#### NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c)

1. The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters; and/or does not identify the structure, material, or acts described in the specification as corresponding to each claimed function for every means plus function and step plus function for each independent claim involved in the appeal and for each dependent claim argued separately by reference to the specification by page and line number, and to the drawing, if any, by reference characters, as required by 37 CFR 41.37(c)(1)(v). Presently, applicant's summary is of the disclosed rather than claimed invention. To comply with the requirement, a proper summary of *claimed* subject matter would include a copy of each independent claim including a cite to the page, line number or drawing for each step or element in the claim.

#### Conclusion

2. The Examiner acknowledges the applicant on 08/17/04 filed the Appeal Brief. However, for unknown reasons, the case was lost and not made available to the Examiner.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the

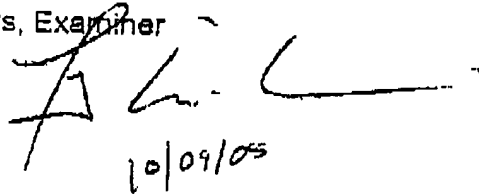
Application/Control Number: 09/446,623  
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examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

Troy Chambers, Examiner

Art Unit 3641



10/09/05